



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

October 28, 2003

Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Raabe Design Review (DR 03-22)
277 North San Pedro Road, San Rafael
Assessor's Parcel 180-181-30

Dear Board Members:

RECOMMENDATION

On August 4, 2003, the Planning Commission voted unanimously (6-0) to deny the Raabe Design Review application for a new residence in the Kent Woodlands neighborhood of Kentfield. On August 18, 2003 Carol Whitmire, on behalf of Bruce and Theresa Raabe, submitted a timely appeal to your Board asserting that the proposed project would meet all the required findings for Design Review approval. On October 7, 2003 the applicant/appellant submitted an alternative design for the project for your Board's consideration. On behalf of the Planning Commission, staff recommends that your Board adopt the attached Resolution (Attachment 1) sustaining the Planning Commission's denial of the proposed project. In addition, your Board may wish to consider approval of the alternative design submitted by the applicant/appellant subsequent to the Planning Commission hearing.

SUMMARY

Background:

Bruce and Theresa Raabe have submitted an application requesting Design Review approval to construct a new 9,648 square foot residence and attached garage, a 336 square foot detached accessory structure, and associated site amenities on a property in Kent Woodlands. The proposed residence would attain a maximum height of 29 feet above existing grade and 36 feet above finished grade. The residence would maintain setbacks ranging from 45 feet to more than 100 feet from property lines. In June, 2003 the Community Development Agency conditionally approved the proposed project based on thorough review of the application materials and advisory comments from the Kent Woodlands Property Owners Association and the Department of Works.

Marilyn Oronzi, the neighboring property owner to the east, submitted a timely appeal of the Community Development Agency's decision to the Planning Commission, asserting that the proposed project would adversely affect her property and the character of the local community due to the scale of the proposed residence and garage in comparison to other development in the area and the visual and privacy impacts that would result from the project.

In August, 2003 the Planning Commission considered the Oronzi appeal and decided unanimously to uphold the appeal and overturn the administrative approval of the project based upon findings that the project would not be consistent with the required findings for Design Review or with the policies contained in the Marin Countywide Plan or the Kent Woodlands Land Use Report. In particular the Planning Commission found that the project would entail excessive grading and site disturbance and the scale of the proposed development would not be compatible with the surrounding area.

In August, 2003 Carol Whitmire, on behalf of Bruce and Theresa Raabe, submitted a timely appeal of the Planning Commission's denial of the project to your Board. For the reasons discussed in the following appeal analysis section, staff recommends that your Board deny the appeal.

Subsequent to filing the appeal the applicant/appellant submitted an alternative design for the proposed project with a request that your Board consider approving the revised proposal. The alternative design is discussed in the Alternative to Recommended Action section below.

Appeal Analysis:

The appeal filed by Carol Whitmire, on behalf of Bruce and Theresa Raabe, is based on the assertion that the affirmative findings for approval of the Design Review contained in the Resolution initially recommended by staff were valid and substantiated by the evidence in the administrative record, including the Visual Analysis of the project submitted by the applicant. A copy of the appeal is provided as Attachment 2.

- 1. The applicant/appellant asserts that the proposed project would be consistent with the Kent Woodlands Land Use Report and Design Review findings because it would not result in adverse visual and privacy affects to the neighboring property to the east or the surrounding area.**

Response

The proposed project would interfere with the enjoyment of the neighboring property to the east because it would result in adverse visual and privacy affects to the appellant's indoor and outdoor living areas. These adverse affects would result from relocating the development on the subject property from its current location closer to the appellant's property and creating a three-story façade oriented towards the appellant's primary viewshed. Further, the design of the driveway would increase the noise and glare impacts associated with vehicles. The proposed landscaping would not provide adequate screening of the project because the majority of the mature trees between the residences are deciduous. The proposed project would incorporate landscaping that would eventually screen the development from the surrounding area. However, due to Sudden Oak Death Syndrome, it was necessary for the applicant to remove many of the trees on the subject property prior to the initiation of the application process. This increased the exposure of the building site to the surrounding area. The reforestation of the property with healthy specimens would take a substantial period of time before adequate screening of the building site could be achieved.

- 2. The applicant/appellant asserts that the proposed project would be consistent with the Kent Woodlands Land Use Report and Design Review findings because it would not result in excessive site disturbance.**

Response

The proposed project would not be consistent with Countywide Plan's Excavation, Grading and Filling policy (EQ 3.16) because the 1,728 cubic yards of excavated material, much of which is required because the proposed garage and basement level is excavated almost entirely below grade, would be excessive. Further, the proposed project would not be consistent with the Preservation of

Natural Characteristics policy of the Land Use Policy Report (CD 1.2) because the proposed area for the residence, grading, retaining walls and on-site circulation would result in excessive site disturbance. Further, the hardscape landscaping proposed includes retaining walls and terracing that reform the natural topography and increase the visibility of the outdoor areas

3. The applicant/appellant asserts that the proposed project would be consistent with the Kent Woodlands Land Use Report and Design Review findings because it would be compatible with the character of the Kent Woodlands area.

Response

The proposed project would create a disharmony with its surroundings because it would entail the construction of a residence that would substantially exceed the average size of other residences in the general area and would appear massive in comparison to the residences on adjacent properties.

Staff conducted an analysis comparing the size of the subject property with the median size of the properties within 600 feet of the subject property and the proposed living area for the residence with the median living area of the residences within 600 feet of the subject property. The sample includes 56 developed properties. The results of the analysis summarized below indicate that the proposed development, without including the proposed garage, would substantially exceed the living areas on the surrounding properties.

	PARCEL AREA	LIVING AREA (does not include garages)
NEIGHBORHOOD MEDIAN	36,400 square feet	3,051 square feet
SUBJECT PROPERTY	77,943 square feet	7,677 square feet (with a 1,971 square foot garage)
PERCENTAGE OVER MEDIAN	53%	60.3%

FISCAL/STAFFING IMPACT

The proposed project would not result in fiscal or staffing impacts to the County because the property is located in an area where public infrastructure and services are available.

ALTERNATIVE TO RECOMMENDED ACTION

An alternative design has been submitted by the applicant/appellant subsequent to the Planning Commission hearing on the project. In the alternative design the applicant/appellant proposes to construct a new 9,151 square foot residence and attached garage, a detached 336 square foot pool house, and associated site amenities including a pool on the subject property. The proposed residence would attain a maximum height of 25 feet above existing grade and 27.5 feet above finished grade. The residence and garage would maintain a 25-foot setback from the southern front property line and a 32 foot setback from the eastern side property line.

There are several important differences between the original proposal and the alternative design that address issues raised by the Planning Commission in their denial of the application. The design has been revised to move the garage from underneath the residence to a location in front of the residence, which reduces the number of stories and the height of the development and the amount of excavation necessary for the driveway and garage. Overall, the distances between the development proposed for the subject property and the existing development on the neighboring property to the east has been increased and the landscape design has been modified to provide more privacy to the neighboring property. The modifications to the design are further described in the letter provided by the applicant/appellant (Attachment 8). The table below compares several key aspects of the original proposal with the alternative design.

	PLANNING COMMISSION PROPOSAL	ALTERNATIVE DESIGN
NUMBER OF STORIES	3	2
MAXIMUM HEIGHT	36 feet above finished grade	27.5 feet above finished grade
DISTANCE FROM NEIGHBOR	188.5 feet	214.5 feet
FLOOR AREA	7,677 square feet (with a 1,971 square foot garage)	6,981 square feet (with a 1,834 square foot garage)
EXCAVATION	1,728 cubic yards	987 cubic yards

The alternative design has been reviewed by the Kent Woodlands Property Owner's Association, the Department of Public Works and the owner of the neighboring property to the east, who appealed the initial administrative approval of the project to the Planning Commission. The Kent Woodlands Property Owner's Association and the Department of Public Works have recommended conditional approval of the alternative design with minor modifications, and the owner of the property to the east has indicated that she does not object to the alternative design.

If your Board considers the applicant/appellant's alternative design favorably, staff recommends continuing this hearing for a revised Resolution to be prepared by staff.

REVIEWED BY: ☐ Auditor-Controller ☒ N/A
 ☒ County Counsel ☐ N/A
 ☐ Human Resources ☒ N/A

Respectfully submitted,

Alex Hinds
Agency Director

Jeremy Tejrjian
Planner

Attachments:

1. Board of Supervisors Resolution denying the Raabe Design Review
2. Raabe Petition for Appeal, dated August 18, 2003
3. Planning Commission Resolution denying the Raabe Design Review, dated August 18, 2003
4. Planning Commission minutes, dated August 4 and 18, 2003
5. Planning Commission staff report, dated August 4, 2003
6. CDA approval of the Raabe Design Review, dated June 27, 2003
7. Plans for alternative design, submitted October 7, 2003
8. Letter from Appellant, Carol Whitmire, commenting on appeal and alternative design, submitted on October 13, 2003
9. Letter from Bruce and Theresa Raabe, commenting on alternative design, submitted October 10, 2003
10. Letter from John Sharp, Marilyn Oronzi's representative, commenting on the alternative design
11. Letter from the Kent Woodlands Property Owners Association, commenting on the alternative, submitted October 21, 2003
12. Memorandum from the Department of Public Works, commenting on the alternative design, dated October 15, 2003